IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

Bail Appl..No. 5192 of 2007()

CRIME NO.244 OF 2007 OF MANJESHWAR POLICE STATION

PETITIONER/ACCUSED

TIMBER ABDULLA @ ABDULLA,
SUHANA MANZIL, UPPALA P.O., UPPALA,
KASARAGOD DISTRICT.

BY ADV. SRI.K.V.SREE VINAYAKAN

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, REPRESENTING S.H.O.
MANJESHWAR POLICE STATION, KASARAGOD DISTRICT.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ALONG WITH B.A NOS.5388/2007 AND 5275/2007 ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J
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B.A.Nos.5192, 5275
& 5388 of 2007
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Dated this the 5th day of September, 2007

ORDER

These petitions are filed by accused Nos. 1,2,3 and 4 in a crime registered, inter alia, under Secs.308 and 324 IPC. Accused No.1 is the father of Accused Nos.2 to 4. Accused No.1 has filed B.A.No.5192/2007 for anticipatory bail, whereas, Accused Nos.2 to 4, who were arrested on 19.8.07 (A2 and A3) and on 14.8.07(A4) have approached this Court for grant of regular bail.

2. There is political animosity between the de facto complainant and the 1st accused . The de facto complainant had contested an election to the local bodies as a rebel candidate of the party which the first accused heads. Because of this animosity, this alleged attempt was made to cause injuries on the defacto complainant by beating him with wooden sticks and throwing stones at him. The alleged incident took place on 12.8.07. Investigation is in progress. Accused No.1 apprehends imminent arrest. He prays for directions under Sec.438 Cr.P.C,

whereas, Accused Nos.2 to 4 pray that they may be granted regular bail subject to appropriate conditions.

3. Notice was given and the learned Public Prosecutor on behalf of the respondent-State does not oppose the applications for regular bail submitted by A2 to A4. I am satisfied that they can now be enlarged on bail subject to appropriate conditions.

4. Coming to the application for anticipatory bail of the first accused, the learned Public Prosecutor fairly submits that application is not opposed. In coming to the conclusion, the learned Public Prosecutor points to the Court that Wound certificate reveals that the victim has not suffered any serious injuries. All the injuries suffered are simple.

5. I am satisfied, after a detailed consideration of all the relevant inputs, that this is a fit case where accused No.1 can be granted anticipatory bail and Accused Nos.2 to 4 can be granted regular bail subject to appropriate conditions.

6. In the result B.A.No.5192 of 2006 is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m on 11.09.2007.

ii) He shall be released on regular bail on condition that he execute a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 12.09.07 and 13.9.07 and thereafter he shall make himself available for interrogation on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 11.09.2007, he shall be

released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 11.09.2007.

7. B.A.Nos.5275/2007 & 5388/2007 are allowed. The petitioners-Accused Nos.2 to 4 shall be released on bail on the following terms and conditions:

i) They shall execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months. Thereafter, they shall make themselves available for interrogation as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

sj